

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

Fresenius Kabi Oncology Limited,

Defendant.

2:21-CR-020-JAD-BNW

Final Order of Forfeiture

This Court found that Fresenius Kabi Oncology Limited shall pay the in personam criminal forfeiture money judgment of \$20,000,000 pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(7); and 21 U.S.C. § 853(p). Criminal Information, ECF No. 11; Plea Agreement, ECF No. __; Preliminary Order of Forfeiture, ECF No. 13; Plea & Sentencing, ECF No. 14.

The in personam criminal forfeiture money judgment amount of \$20,000,000 complies with *Honeycutt v. United States*, 137 S. Ct. 1626 (2017).

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

On May 20, 2021, the United States filed a Motion to Substitute and Forfeit Property of Fresenius Kabi Oncology Limited, ECF No. 16.

On June 2, 2021, Fresenius Kabi Oncology Limited filed a Response to Motion of the United States to Substitute and Forfeit Property, ECF No. 17.

On June 2, 2021, the United States filed a Reply to Fresenius Kabi Oncology's Response to Government's Motion to Substitute and Forfeit, ECF No. 18.

1 On June 7, 2021, the Court entered the Substitution and Forfeiture Order of
2 \$20,000,000, ECF No. 19.

3 This Court finds the United States published the notice of forfeiture in accordance
4 with the law via the official government internet forfeiture site, www.forfeiture.gov,
5 consecutively from June 10, 2021, through July 9, 2021, notifying all potential third parties
6 of their right to petition the Court. Notice of Filing Proof of Publication Exhibits, ECF No.
7 20-1, p. 5.

8 This Court finds no petition was filed herein by or on behalf of any person or entity
9 and the time for filing such petitions and claims has expired.

10 This Court finds no petitions are pending regarding the property named herein and
11 the time has expired for presenting such petitions.

12 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
13 all possessory rights, ownership rights, and all rights, titles, and interests in the property
14 hereinafter described are condemned, forfeited, and vested in the United States: \$20,000,000
15 (property) and that the property will be applied toward the payment of the money judgment;
16 and

17 the forfeiture of the money judgment and the substitution and forfeiture of the
18 property is imposed pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim.
19 P. 32.2(c)(2); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(7); 21
20 U.S.C. § 853(p); and 21 U.S.C. § 853(n)(7); that the money judgment is collected; and that
21 the property shall be disposed of according to law.


22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all
23 forfeited funds, including but not limited to, currency, currency equivalents, certificates of
24 deposit, as well as any income derived as a result of the government's management of any
25 property forfeited herein, and the proceeds from the sale of any forfeited property shall be
26 disposed of according to law.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record and three certified copies to the United States
3 Attorney's Office, Attention Asset Forfeiture Unit.

4 Dated: August 11, 2021.

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8 JENNIFER A. DORSEY
9 UNITED STATES DISTRICT JUDGE
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